

Appl. No. 10/713,526
Amendment dated June 23, 2005
Response to Office Action Mailed March 29, 2005

REMARKS

Applicant has carefully reviewed the Office Action mailed March 29, 2005. Favorable reconsideration is respectfully requested in light of the above amendments and the following comments. Claims 1, 4, 5 and 6 have been amended and claims 2, 3 and 7 have been canceled. New claims 10-12, which are supported by the description at page 5, lines 11-30 of the specification, as well as by Figures 3 and 4, have been added to round out the potential scope of protection. No new matter has been added as a result of these amendments.

Applicant respectfully traverses the Examiner's rejection of claims 1-3 under 35 U.S.C. §102(e) as anticipated by McClelland et al., U.S. Patent No. 6,710,708. In order to anticipate, the cited reference must disclose each and every claimed element. McClelland et al. fail to do so.

Claim 1 requires that the transponder is provided in a tire valve. The Examiner has incorrectly asserted that this limitation "...is met by the tire monitor being fabricated to include the tire valve stem (col 3 23-32 and figure 2)." The claim language requires that the transponder is in the tire valve. The cited reference, in contrast, essentially requires that the tire monitor include the tire valve stem. A recitation in the cited reference that element A includes element B is not the same as claim language requiring that element A be provided within element B. Favorable reconsideration is respectfully requested.

Moreover, claim 1 requires that the transponder include a condition detecting device, a coil antenna and a casing that includes an accommodating portion that accommodates the coil antenna and a projecting portion that extends from the accommodating portion and that accommodates the condition detecting device. McClelland et al. do not disclose the claimed relationship between the condition detecting device, the coil antenna and the casing.

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While McClelland et al. do describe a tire monitor 12 positioned inside a tire, the reference does not disclose an accommodating portion accommodating a coil antenna and a projecting portion projecting from the accommodating portion to accommodate the condition detecting device. Therefore, McClelland et al. do not disclose the claimed casing that includes an accommodating portion accommodating the coil antenna and a projecting portion accommodating the condition detecting device. Thus, McClelland et al. cannot be considered as anticipating the claimed invention. Favorable reconsideration is respectfully requested.

Applicant respectfully traverses the Examiner's rejection of claims 6 and 7 under 35 U.S.C. §103(a) as unpatentable over McClelland et al., U.S. Patent No. 6,710,708. Claim 6 requires that each transponder include a pressure sensor, a coil antenna and a casing that includes an accommodating portion that accommodates the coil antenna and a projecting portion that extends from the accommodating portion and that accommodates the condition detecting device.

McClelland et al. do not disclose the claimed relationship between the condition detecting device, the coil antenna and the casing. McClelland et al. do not appear to describe or suggest the claimed casing that includes an accommodating portion accommodating the coil antenna and a projecting portion accommodating the condition detecting device. Thus, McClelland et al. cannot be considered as rendering unpatentable the claimed invention. Favorable reconsideration is respectfully requested.

Applicant respectfully traverses the Examiner's rejection of claims 4, 5, 8 and 9 under 35 U.S.C. §103(a) as unpatentable over McClelland et al., U.S. Patent No. 6,710,708, in view of Senba et al., U.S. Patent Application Publication No. 2003/0179151. McClelland et al. have been distinguished above as failing to meet the claimed invention of claim 1, from which claims 4 and 5 depend, and claim 6, from which claims 8 and 9 depend. Claims 4, 5, 8 and 9 add

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additional elements and therefore are also patentable over McClelland et al. While the Examiner relies upon Senba et al. to meet particular claimed elements not shown by McClelland et al., Applicants contend that Senba et al. fail to remedy the noted shortcomings of McClelland et al., and thus claims 4, 5, 8 and 9 are patentable over the cited combination. Favorable reconsideration is respectfully requested.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Michiya Katou

By his Attorney,



David M. Crompton, Reg. No. 36,772
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, MN 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349

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